

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:

**CARLA LYNETTE BOSTICK,

DEBTOR**

**CHAPTER 13
CASE NO. 15-05318-5-DMW**

EX-PARTE MOTION TO SEAL PROOF OF CLAIM

NOW COMES Carla Lynette Bostick (the “Debtor”), through the undersigned attorney, in accordance with 11 U.S.C. § 107 and Rule 9037 of the Federal Rules of Bankruptcy Procedure, and hereby moves the Court to enter an Order sealing from public access the Proof of Claim filed in this matter by WakeMed Physician Practices (“WakeMed”), and ordering WakeMed to file another, redacted version of such Proof of Claim. In support of this motion, the Debtor shows unto the Court the following:

1. The Debtor filed a Voluntary Petition under chapter 13 of the United States Bankruptcy Code on October 1, 2015, and John F. Logan is the duly appointed and acting chapter 13 Trustee.

2. On October 2, 2015, WakeMed filed a Proof of Claim in this case, docketed as Claim No. 2 in the amount of \$246.00. Attached to Claim No. 2, is a detailed record of the Debtor’s WakeMed account, entitled “Enterprise Guarantor Summary,” which corresponds to the amount listed in WakeMed’s Proof of Claim. This attachment to Claim No. 2 reveals the Debtor’s age and birth date, including day, month, and year, under a section of the summary entitled “Guarantor Demographics.”

3. The inclusion of such information is in violation of federal and state identity protection laws, as well as the common law regarding privacy, and furthermore is a direct violation of Rule 9037 of the Federal Rules of Bankruptcy Procedure.

4. By the filing of this motion, the Debtor does not waive, but rather **specifically reserves** the right to file an action for damages against WakeMed for its disclosure of protected information.

WHEREFORE, the Debtor respectfully requests that the Court enter an Order:

A. Directing the Clerk of Court to immediately disable public access to the Proof of Claim and the attachment filed in this matter by WakeMed;

B. Directing WakeMed to file a fully redacted version of such record, within ten (10) days of the date of the entry of such Order, or else have its claim deemed to have been disallowed; and

C. For such other and further relief as this Court deems just and proper.

Date: November 2, 2015

s/Trawick H. Stubbs, Jr.
TRAWICK H. STUBBS, JR.
N.C. State Bar No. 4221
STUBBS & PERDUE, P.A.
Post Office Box 1654
New Bern, North Carolina 28563-1654
(252) 633-2700
(252) 633-9600 Facsimile
E-mail: tstubbs@stubbsperdue.com

CERTIFICATE OF SERVICE

I, Trawick H. Stubbs, Jr., of the Stubbs & Perdue law firm, do hereby certify, under penalty of perjury, that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age; and that on November 2, 2015, I served copies of the foregoing ***EX-PARTE* MOTION TO SEAL PROOF OF CLAIM** upon the parties set forth below:

WakeMed
Attn: Manager or Agent
2920 Highwoods Ave.
Raleigh, NC 27604

Joseph A. Bledsoe
Chapter 13 Trustee
P.O. Box 1618
New Bern, NC 28563

Marjorie K. Lynch
Bankruptcy
Administrator
434 Fayetteville Street
Suite 640
Raleigh, NC 27601

Unless electronic noticing is indicated on the confirmation provided by the court upon the electronic filing of said document(s), service was accomplished by regular U.S. mail, first class postage pre-paid.

Date: November 2, 2015

s/Trawick H. Stubbs, Jr.
TRAWICK H. STUBBS, JR.
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